

Serial No. 10/708,827  
Attorney Docket No. 60655.9000

### REMARKS

Applicants reply to the Office Action mailed on January 10, 2006, within the shortened statutory period for reply. Claims 1-47 were pending and the Examiner rejects claims 1-47. In reply, Applicants amend various claims, add claims 48-54, and address the Examiner's remarks. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

### Double Patenting

The Examiner provisionally rejects claims 1-47 over claims 1-47 of co-pending Patent Application Serial No. 10/710,315. While Applicants respectfully disagree with this double patenting rejection, in the interest of compact prosecution, Applicants submit a terminal disclaimer, without prejudice, in compliance with 37 C.F.R. § 1.321(c). Applicants also assert that this provisional non-statutory double patenting rejection is based on the above-listed application, which is commonly owned with this application by assignee, American Express Travel Related Services Company, Inc.

### § 112 Rejections

Claim 11 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants assert that, upon entry of the amendment set forth above, the rejection to claim 11 is moot. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 11 under section 112.

### § 103(a) Rejections

Claims 1-9, 12-16, 20-30, and 34-47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Black, U.S. Pat. No. 6,925,565 ("Black") in view of Haala, U.S. Pat. Appl. No. 2005/0005172 ("Haala"). Claims 10, 11, 31, 32, 42 and 44 stand rejected over Black/Haala, as discussed above, in view of Sharma, U.S. Pat. No. 6,480,825 ("Sharma"). Claims 16, 33, and 41 stand rejected over Black/Haala, as discussed above, in view of Martizen, et al., U.S. Pat. Appl. No. 2002/0191816 ("Martizen"). Claim 17 stands rejected over Black/Martizen in view of

Serial No. 10/708,827  
Attorney Docket No. 60655.9000

Moebs, et al., U.S. Pat. Appl. No. 2005/0065872 ("Moebs"). Claim 18 stands rejected over Black/Haala in view of Teicher, U.S. Pat. No. 6,257,486 ("Teicher"). Claim 19 stands rejected over Black/Haala in view of Goodman, U.S. Pat. No. 2002/0043566 ("Goodman"). Claims 4, 22, 34 and 40 stand rejected over Black/Haala, as discussed above, in view of Black, U.S. Pat. Appl. No. 2005/0122209 ("Black II"). Applicants respectfully traverse these rejections.

While Black may generally disclose the use of biometric security measures with point of sale devices, and Haala and Sharma disclose various voice recognition technologies, neither Black, Haala, Sharma, nor any combination thereof, teaches or suggests at least a device "configured to determine whether said transaction is in compliance with a preset transaction limitation associated with said voice print sample," as similarly recited in amended independent claims 1, 23 and 35. Support for these amendments are found in the specification in, for example, paragraphs [00235]-[00238].

Accordingly, Applicants assert that claims 1, 23 and 35 are patentable over the cited references. Claims 2-22, 24-34, and 36-47 variously depend from claims 1, 23 and 35 and contain all of the respective elements thereof. Therefore, Applicants respectfully submit that claims 2-22, 24-34, and 36-47 are differentiated from the cited references at least for the same reasons as set forth above, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-47 under section 103.

#### New Claims

New claims 48-54 variously depend from claims 1, 23 and 35 and contain all of the respective elements thereof. Therefore, Applicants assert that new claims 48-54 are differentiated from the cited references at least for the same reasons as set forth above, in addition to their own respective features.

Serial No. 10/708,827  
Attorney Docket No. 60655.9000

**CONCLUSION**

Applicants respectfully submit that the pending claims (54 total, 3 independent) are in condition for allowance. The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 19-2814. Applicants invite the Examiner to telephone the undersigned if the Examiner has any questions regarding this Reply or the application in general.

Respectfully submitted,

Dated: 3-27-06

By: Kirk Dorius  
Kirk Dorius  
Reg. No. 54,073

**SNELL & WILMER L.L.P.**  
400 E. Van Buren  
One Arizona Center  
Phoenix, Arizona 85004  
Phone: 602-382-6544  
Fax: 602-382-6070  
Email: kdorius@swlaw.com